

FIRST REGULAR SESSION

# SENATE BILL NO. 312

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCOTT.

Read 1st time January 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1249S.011

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## AN ACT

To repeal sections 8.294, 37.005, and 37.452, RSMo, and to enact in lieu thereof four new sections relating to the office of administration, with an emergency clause.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 8.294, 37.005, and 37.452, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 8.294, 37.005,  
3 37.451, and 37.452, to read as follows:

8.294. There is hereby created within the state treasury the "State  
2 Facility Maintenance and Operation Fund", which shall be funded annually by  
3 appropriation, and which shall contain moneys transferred or paid to the office  
4 of administration or the board of public buildings as operating expenses and  
5 for-rent expenses of state-owned facilities operated by the office of  
6 administration. The state treasurer shall be custodian of the fund and shall  
7 approve disbursements from the fund for maintenance, repair, and operating  
8 expenses of the facilities. The provisions of section 33.080, RSMo, to the contrary  
9 notwithstanding, moneys in the fund shall not lapse, unless and only to the  
10 extent to which the unencumbered balance at the close of any fiscal year exceeds  
11 [one-twelfth] **one-fourth** of the total amount appropriated, paid, or transferred  
12 to the fund during such fiscal year.

37.005. 1. Except as provided herein, the office of administration shall be  
2 continued as set forth in house bill 384, seventy-sixth general assembly and shall  
3 be considered as a department within the meaning used in the Omnibus State  
4 Reorganization Act of 1974. The commissioner of administration shall appoint  
5 directors of all major divisions within the office of administration.

6 2. The commissioner of administration shall be a member of the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

7 governmental emergency fund committee as ex officio comptroller and the director  
8 of the department of revenue shall be a member in place of the chief of the  
9 planning and construction division.

10 3. The office of administration is designated the "Missouri State Agency  
11 for Surplus Property" as required by Public Law 152, eighty-first Congress as  
12 amended, and related laws for disposal of surplus federal property. All the  
13 powers, duties and functions vested by sections 37.075 and 37.080, and others,  
14 are transferred by type I transfer to the office of administration as well as all  
15 property and personnel related to the duties. The commissioner shall integrate  
16 the program of disposal of federal surplus property with the processes of disposal  
17 of state surplus property to provide economical and improved service to state and  
18 local agencies of government. The governor shall fix the amount of bond required  
19 by section 37.080. All employees transferred shall be covered by the provisions  
20 of chapter 36, RSMo, and the Omnibus State Reorganization Act of 1974.

21 4. The commissioner of administration shall replace the director of  
22 revenue as a member of the board of fund commissioners and assume all duties  
23 and responsibilities assigned to the director of revenue by sections 33.300 to  
24 33.540, RSMo, relating to duties as a member of the board and matters relating  
25 to bonds and bond coupons.

26 5. All the powers, duties and functions of the administrative services  
27 section, section 33.580, RSMo, and others, are transferred by a type I transfer to  
28 the office of administration and the administrative services section is abolished.

29 6. The commissioner of administration shall, in addition to his or her  
30 other duties, cause to be prepared a comprehensive plan of the state's field  
31 operations, buildings owned or rented and the communications systems of state  
32 agencies. Such a plan shall place priority on improved availability of services  
33 throughout the state, consolidation of space occupancy and economy in operations.

34 7. The commissioner of administration shall from time to time examine  
35 the space needs of the agencies of state government and space available and  
36 shall, with the approval of the board of public buildings, assign and reassign  
37 space in property owned, leased or otherwise controlled by the state. Any other  
38 law to the contrary notwithstanding, upon a determination by the commissioner  
39 that all or part of any property is in excess of the needs of any state agency, the  
40 commissioner may lease such property to a private or government entity. Any  
41 revenue received from the lease of such property shall be deposited into the fund  
42 or funds from which moneys for rent, operations or purchase have been

43 appropriated. The commissioner shall establish by rule the procedures for leasing  
44 excess property.

45 8. [The commissioner of administration shall make the selection of a  
46 personnel director from the names of the three highest ranking available eligibles  
47 as provided in section 36.080, RSMo. The personnel advisory board, the  
48 personnel division and the personnel director in the office of administration shall  
49 retain the functions, duties and powers prescribed in chapter 36,  
50 RSMo. Members of the personnel advisory board shall be nominated by the  
51 commissioner of administration and appointed by the governor with the advice  
52 and consent of the senate.

53 9.] The commissioner of administration is hereby authorized to coordinate  
54 and control the acquisition and use of electronic data processing (EDP) and  
55 automatic data processing (ADP) in the executive branch of state  
56 government. For this purpose, the office of administration will have authority to:

57 (1) Develop and implement a long-range computer facilities plan for the  
58 use of EDP and ADP in Missouri state government. Such plan may cover, but is  
59 not limited to, operational standards, standards for the establishment, function  
60 and management of service centers, coordination of the data processing education,  
61 and planning standards for application development and implementation;

62 (2) Approve all additions and deletions of EDP and ADP hardware,  
63 software, and support services, and service centers;

64 (3) Establish standards for the development of annual data processing  
65 application plans for each of the service centers. These standards shall include  
66 review of post-implementation audits. These annual plans shall be on file in the  
67 office of administration and shall be the basis for equipment approval requests;

68 (4) Review of all state EDP and ADP applications to assure conformance  
69 with the state information systems plan, and the information systems plans of  
70 state agencies and service centers;

71 (5) Establish procurement procedures for EDP and ADP hardware,  
72 software, and support service;

73 (6) Establish a charging system to be used by all service centers when  
74 performing work for any agency;

75 (7) Establish procedures for the receipt of service center charges and  
76 payments for operation of the service centers. The commissioner shall maintain  
77 a complete inventory of all state-owned or -leased EDP and ADP equipment, and  
78 annually submit a report to the general assembly which shall include starting

79 and ending EDP and ADP costs for the fiscal year previously ended, and the  
80 reasons for major increases or variances between starting and ending costs. The  
81 commissioner shall also adopt, after public hearing, rules and regulations  
82 designed to protect the rights of privacy of the citizens of this state and the  
83 confidentiality of information contained in computer tapes or other storage  
84 devices to the maximum extent possible consistent with the efficient operation of  
85 the office of administration and contracting state agencies.

86       [10.] 9. Except as provided in subsection [13] 12 of this section, the fee  
87 title to all real property now owned or hereafter acquired by the state of Missouri,  
88 or any department, division, commission, board or agency of state government,  
89 other than real property owned or possessed by the state highways and  
90 transportation commission, conservation commission, state department of natural  
91 resources, and the University of Missouri, shall on May 2, 1974, vest in the  
92 governor. The governor may not convey or otherwise transfer the title to such  
93 real property, unless such conveyance or transfer is first authorized by an act of  
94 the general assembly. The provisions of this subsection requiring authorization  
95 of a conveyance or transfer by an act of the general assembly shall not, however,  
96 apply to the granting or conveyance of an easement to any rural electric  
97 cooperative as defined in chapter 394, RSMo, municipal corporation,  
98 quasi-governmental corporation owning or operating a public utility, or a public  
99 utility, except railroads, as defined in chapter 386, RSMo. The governor, with the  
100 approval of the board of public buildings, may, upon the request of any state  
101 department, agency, board or commission not otherwise being empowered to make  
102 its own transfer or conveyance of any land belonging to the state of Missouri  
103 which is under the control and custody of such department, agency, board or  
104 commission, grant or convey without further legislative action, for such  
105 consideration as may be agreed upon, easements across, over, upon or under any  
106 such state land to any rural electric cooperative, as defined in chapter 394, RSMo,  
107 municipal corporation, or quasi-governmental corporation owning or operating a  
108 public utility, or a public utility, except railroad, as defined in chapter 386,  
109 RSMo. The easement shall be for the purpose of promoting the general health,  
110 welfare and safety of the public and shall include the right of ingress or egress  
111 for the purpose of constructing, maintaining or removing any pipeline, power line,  
112 sewer or other similar public utility installation or any equipment or  
113 appurtenances necessary to the operation thereof, except that railroad as defined  
114 in chapter 386, RSMo, shall not be included in the provisions of this subsection

115 unless such conveyance or transfer is first authorized by an act of the general  
116 assembly. The easement shall be for such consideration as may be agreed upon  
117 by the parties and approved by the board of public buildings. The attorney  
118 general shall approve the form of the instrument of conveyance. The  
119 commissioner of administration shall prepare management plans for such  
120 properties in the manner set out in subsection 7 of this section.

121 [11.] 10. The commissioner of administration shall administer a revolving  
122 "Administrative Trust Fund" which shall be established by the state treasurer  
123 which shall be funded annually by appropriation and which shall contain moneys  
124 transferred or paid to the office of administration in return for goods and services  
125 provided by the office of administration to any governmental entity or to the  
126 public. The state treasurer shall be the custodian of the fund, and shall approve  
127 disbursements from the fund for the purchase of goods or services at the request  
128 of the commissioner of administration or the commissioner's designee. The  
129 provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not  
130 lapse, unless and then only to the extent to which the unencumbered balance at  
131 the close of any fiscal year exceeds [one-twelfth] **one-fourth** of the total amount  
132 appropriated, paid, or transferred to the fund during such fiscal year. The  
133 commissioner shall prepare an annual report of all receipts and expenditures  
134 from the fund.

135 [12.] 11. All the powers, duties and functions of the department of  
136 community affairs relating to statewide planning are transferred by type I  
137 transfer to the office of administration.

138 [13.] 12. The titles which are vested in the governor by or pursuant to  
139 this section to real property assigned to any of the educational institutions  
140 referred to in section 174.020, RSMo, on June 15, 1983, are hereby transferred to  
141 and vested in the board of regents of the respective educational institutions, and  
142 the titles to real property and other interests therein hereafter acquired by or for  
143 the use of any such educational institution, notwithstanding provisions of this  
144 section, shall vest in the board of regents of the educational institution. The  
145 board of regents may not convey or otherwise transfer the title to or other interest  
146 in such real property unless the conveyance or transfer is first authorized by an  
147 act of the general assembly, except as provided in section 174.042, RSMo, and  
148 except that the board of regents may grant easements over, in and under such  
149 real property without further legislative action.

150 [14.] 13. Notwithstanding any provision of subsection 13 of this section

151 to the contrary, the board of governors of Missouri Western State University,  
152 Central Missouri State University, Missouri State University, or Missouri  
153 Southern State University; or the board of regents of Southeast Missouri State  
154 University, Northwest Missouri State University, or Harris-Stowe State  
155 University; or the board of curators of Lincoln University may convey or  
156 otherwise transfer, except in fee simple, the title to or other interest in such real  
157 property without authorization by an act of the general assembly. The provisions  
158 of this subsection shall expire August 28, 2011.

159 [15.] 14. All county sports complex authorities, and any sports complex  
160 authority located in a city not within a county, in existence on August 13, 1986,  
161 and organized under the provisions of sections 64.920 to 64.950, RSMo, are  
162 assigned to the office of administration, but such authorities shall not be subject  
163 to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus  
164 State Reorganization Act of 1974, Appendix B, RSMo, as amended.

165 [16.] 15. All powers, duties, and functions vested in the administrative  
166 hearing commission, sections 621.015 to 621.205, RSMo, and others, are  
167 transferred to the office of administration by a type III transfer.

37.451. 1. There is hereby created in the state treasury the "Fleet  
2 Management Fund", which shall be administered by the commissioner  
3 of administration.

4 2. The state treasurer shall be the custodian of the fund. In  
5 accordance with sections 30.120 and 30.180, RSMo, the state treasurer  
6 may approve disbursements. The state treasurer shall credit to and  
7 deposit in the fleet management fund all amounts received from  
8 agencies for the state vehicle fleet fee pursuant to section 37.450, funds  
9 recovered for damage done to state fleet vehicles from a third party or  
10 their insurer, any amounts received from the sale of state surplus  
11 vehicles pursuant to section 37.452, and any other funds appropriated  
12 by the general assembly for the purposes of administering sections  
13 37.450 to 37.452.

14 3. Notwithstanding the provisions of section 33.080, RSMo, to the  
15 contrary, any moneys remaining in the fund at the end of the biennium  
16 shall not revert to the credit of the general revenue fund. The state  
17 treasurer shall invest moneys in the fund in the same manner as other  
18 funds are invested. Any interest and moneys earned on such  
19 investments shall be credited to the fund.

37.452. Provisions of section 37.090 notwithstanding, all proceeds  
2 generated by the sale of a surplus vehicle, except proceeds generated from the  
3 department of transportation, the department of conservation, the Missouri state  
4 highway patrol and all state colleges and universities may be deposited in the  
5 state treasury to the credit of the [office of administration revolving  
6 administrative trust] **fleet management fund established under section**  
7 **37.451**, and credited to the state agency owning the vehicle at the time of  
8 sale. Upon appropriation, moneys credited to agencies from the sale of surplus  
9 state fleet vehicles shall be used solely for the purchase **or repair** of vehicles for  
10 the respective agency **subject to the approval of the fleet manager, and for**  
11 **the purposes of administering sections 37.450 to 37.452.**

Section B. Because immediate action is necessary to ensure the effective  
2 transfer of state services, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution,  
5 and section A of this act shall be in full force and effect upon its passage and  
6 approval.

Bill ✓

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